S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5309/2007
(Raju Devi and Anr. Vs. State of Rajasthan)

DATE OF ORDER : 20/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. K.R.Meghwal for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.
Mr. B.S.Rathore for the complainant.

Heard learned counsel for the petitioners and Public Prosecutor for the State as also counsel appearing for the complainant. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioners that no specific role has been assigned to the present petitioners.

On perusal of the case diary and statement of injured, in my view, it does not appear that any particular injury has been assigned to the present petitioners who both are ladies. When the four other male members were said to be the assailants whether ladies caused any injury is not specific from the case diary at this stage.

In this view of the matter, looking to the facts and circumstances of the case and the fact that the petitioners are ladies and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioners u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Raju Devi W/o Prabhu Ram and Pappudi W/o Jagdish in FIR No. 147/2007 P.S. Mathaniya, district Jodhpur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with

one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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